

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:084. Importation of game birds.

RELATES TO: KRS 150.280, 150.290

STATUTORY AUTHORITY: KRS 150.025(1), 150.180(6), 150.280

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing requirements for buying, selling, or transporting protected wildlife. KRS 150.180(6) requires the department to regulate the importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. This administrative regulation establishes the procedures for obtaining a transportation permit for the importation of certain game bird species into Kentucky to prevent the introduction and spread of the avian influenza virus into Kentucky.

Section 1. Definition. "Game bird" means quail, pheasant, chukar, grouse, waterfowl, or other avian species normally imported for propagation or for the purpose of hunting, shooting, training, or field trial activities.

Section 2. Importation of Game Birds. (1) Before any live game bird is imported into Kentucky, a person shall obtain a valid transportation permit or permit authorization number from the department as established in 301 KAR 2:081.

(2) A transportation permit shall not be required for the importation of any live game bird by a facility that is accredited by the American Zoo and Aquarium Association.

Section 3. Applying for Permits. (1) A person shall apply for a transportation permit as established in ~~[accordance with]~~ 301 KAR 2:081.

(2) The applicant shall be responsible to ensure that the shipment is in compliance with the Department of Agriculture's entry and avian influenza health requirements established in 302 KAR 20:020, 20:040, and 20:250.

RICH STORM, Commissioner

MIKE E. BERRY, Secretary

APPROVED BY AGENCY: May 19, 2021

FILED WITH LRC: May 19, 2021 at 4:29 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 25, 2021 at 11:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through August 31, 2021. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Beth Frazee

(1) Provide a brief summary of:

(a) What the administrative regulation does: This administrative regulation establishes the procedures for obtaining a transportation permit for the importation of certain game bird species into Kentucky to prevent the introduction and spread of the avian influenza virus into Kentucky.

(b) The necessity of the administrative regulation: This administrative regulation is necessary to establish the procedures for obtaining a transportation permit for the importation of certain game bird species into Kentucky to prevent the introduction and spread of the avian influenza virus into Kentucky.

(c) How does this administrative regulation conform to the authorizing statute: 150.025(1) authorizes the department to promulgate administrative regulations establishing requirements for buying, selling, or transporting protected wildlife. KRS 150.180(6) requires the department to regulate the importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By establishing the procedures for obtaining a transportation permit for the importation of certain game bird species into Kentucky to prevent the introduction and spread of the avian influenza virus into Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: This amendment cleans up and simplifies language in the existing regulation in regards to feeding of wildlife.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary as part of the agencies continued efforts to update and simplify our regulations,

(c) How does the amendment conform to the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: Anyone importing live game birds into Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Follow the provisions set forth in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment does not alter any costs for the entities in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Uniform compliance with the provisions of the regulation and reduced risk of disease introduction or spread.

- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: There will be no additional cost to the agency to implement this administrative regulation.
- (b) On a continuing basis: There will be no additional cost to the agency on a continuing basis.
- (6) What is the source of funding to be used for implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. Additional fees for direct implementation of this regulation are not necessary, as infrastructure for administration of this regulation already exists.
- (8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees. This administrative regulation does not establish any fees nor does it indirectly increase any fees.
- (9) TIERING: Is tiering applied? Tiering is applied with the regulation applying to American Zoo and Aquarium Association ("AZA") member organizations differently than all other individuals. Specifically, AZA member organizations are exempted from certain requirements of the regulation as they are subject to the additional oversight of the AZA.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This amendment does not impact any state or local government.
2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.180(6), 150.280
3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
 - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated for the state or local government.
 - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated for state and local governments.
 - (c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year.
 - (d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: